



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Brownfield Remediation & Reuse Element  
Northern Bureau of Field Operations  
7 Ridgedale Avenue, 2<sup>nd</sup> Floor  
Cedar Knolls, NJ 07927-1112  
Phone: 973-631-6401  
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JON S. CORZINE  
Governor

LISA P. JACKSON  
Commissioner

November 28, 2007

John H. Dorsey, Esq.  
Dorsey & Fisher  
714 Main Street  
Boonton, NJ 07005

Re: Area of Concern: AOC 2 – Pesticide Impacted Soils Area  
Unrestricted Use  
No Further Action Letter and Covenant Not to Sue  
Charter's Farm  
69 Stephens Park Road  
Mount Olive Township, Morris County  
Block 8300, 90, Lot 3&4, 1  
Program Interest #: 162080  
Activity Number: BFO020001  
Document Title: 020716100353N MOA  
Communications Center Number: 02-07-16-1003-53  
NBFO File #: 14-27-141

Dear Mr. Dorsey, Esq.:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the remediation of the area of concern specifically referenced above, except as noted below, so long as the Township of Mount Olive did not withhold any information from the Department. This action is based upon information in the Department's case file and the Township of Mount Olive's final certified report dated December 26, 2006. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department.

By issuance of this No Further Action Determination, the Department acknowledges the completion of a Remedial Investigation and Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for AOC 2- Pesticide Impacted Soils Area only, and no other areas. Post excavation soil sample analytical results were below the cleanup criteria developed for the site. Ground water was neither encountered nor evaluated. The Department reserves its rights to require any person responsible for the contamination at the site to address Natural Resource Injuries.

### NO FURTHER ACTION CONDITIONS

As a condition of this No Further Action Determination pursuant to N.J.S.A. 58:10B-12o the Township of Mount Olive and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, shall inform the Department in writing within fourteen (14) calendar days whenever its name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and be sent to: Bureau of Risk Management, Initial Notice and Case Assignment - Case Assignment Section, Division of Remediation Support, P.O. Box 28, Trenton NJ 08625.

### COVENANT NOT TO SUE

The Department issues this Covenant Not to Sue (Covenant) pursuant to N.J.S.A. 58:10B-13.1. That statute requires a Covenant not to Sue with each no further action letter. However, in accordance with N.J.S.A. 58:10B-13.1, nothing in this Covenant shall benefit any person who is liable, pursuant to the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11, for cleanup and removal costs and the Department makes no representation by the issuance of this Covenant, either express or implied, as to the Spill Act liability of any person.

The Department covenants, except as provided in the preceding paragraph, that it will not bring any civil action against the following:

- (a) the person who undertook the remediation;
- (b) subsequent owners of the subject property;
- (c) subsequent lessees of the subject property; and
- (d) subsequent operators at the subject property,

for the purposes of requiring remediation to address contamination which existed prior to the date of the final certified report (Remedial Action Report Dated December 11, 2006) for the real property at the area of concern identified above, including payment of compensation for damages to, or loss of, natural resources, for the restoration of natural resources in connection with the discharge on the property, or the payment of cleanup and removal costs for such additional remediation.

Pursuant to N.J.S.A. 58:10B-13.1d, this Covenant does not relieve any person from the obligation to comply in the future with laws and regulations. The Department reserves its right to take all appropriate enforcement for any failure to do so.

The Department may revoke this Covenant at any time after providing notice upon its determination that either:

- (a) any person with the legal obligation to comply with any condition in this No Further Action Letter has failed to do so.

This Covenant Not to Sue, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant Not to Sue in the lines supplied below and the Department has received one copy of this document with original signatures of the Department and the person who undertook the remediation.

**THE TOWNSHIP OF MOUNT OLIVE  
CHARTER'S FARM  
69 STEPHENS PARK ROAD**

By: John H. Dorsey, Esq.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

*[Handwritten signature]*  
*[Handwritten title: Asst. Sup. Dir.]*  
*[Handwritten date: 12/3/07]*

**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

By: Yacoub E. Yacoub

Signature: \_\_\_\_\_

Bureau Chief, Northern Bureau of Field Operations

Dated: \_\_\_\_\_

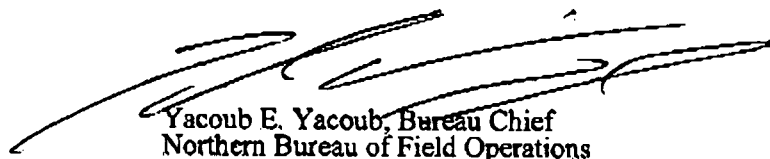
*[Handwritten signature]*  
*[Handwritten date: 11-28-07]*

**NOTICES****Direct Billing Insert**

Please be advised that in accordance with the "Department Oversight of the Remediation of Contaminated Sites" (N.J.A.C. 7:26C), the Township of Mount Olive is required to reimburse the Department for oversight of the remediation. The Department will be issuing a final bill within the next four months.

Thank you for your attention to these matters. If you have any questions, please contact, Ralph Rodrigues at (973) 656-4430.

Sincerely,



Yacoub E. Yacoub, Bureau Chief  
Northern Bureau of Field Operations

c: Frank P. Wilpert, Mt. Olive Township Health Department  
Mt. Olive Township Municipal Clerk  
Christoph Kimker, County of Morris, Office of Health Management  
Ralph Rodrigues, Case Manager  
Joe Norton, Norton Conservation Company, Inc.  
File # 14-27-141